

1 MICHAEL A. JACOBS (CA SBN 111664)  
MJacobs@mofo.com  
2 ARTURO J. GONZÁLEZ (CA SBN 121490)  
AGonzalez@mofo.com  
3 ERIC A. TATE (CA SBN 178719)  
ETate@mofo.com  
4 MORRISON & FOERSTER LLP  
425 Market Street  
5 San Francisco, California 94105-2482  
Telephone: 415.268.7000  
6 Facsimile: 415.268.7522  
  
7 Attorneys for Defendants  
UBER TECHNOLOGIES, INC.,  
8 OTTOMOTTO LLC, and OTTO TRUCKING LLC

9 KAREN L. DUNN (*Pro Hac Vice*)  
kdunn@bsflp.com  
10 HAMISH P.M. HUME (*Pro Hac Vice*)  
hhume@bsflp.com  
11 BOIES SCHILLER FLEXNER LLP  
1401 New York Avenue, N.W.  
12 Washington DC 20005  
Telephone: 202.237.2727  
13 Facsimile: 202.237.6131

14 Attorneys for Defendants  
UBER TECHNOLOGIES, INC.  
15 and OTTOMOTTO LLC

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19 WAYMO LLC,  
20 Plaintiff,  
21 v.  
22 UBER TECHNOLOGIES, INC.,  
23 OTTOMOTTO LLC; OTTO TRUCKING LLC,  
24 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF ASHEEM  
LINAVAL IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFF WAYMO LLC'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: May 3, 2017  
Time: 7:30 a.m.  
Ctrm: 8, 19th Floor  
Judge: The Honorable William Alsup

Trial Date: October 2, 2017

1 I, Asheem Linaval, declare as follows:

2 1. I am a hardware engineer at Uber Technologies, Inc. (“Uber”). I make this  
3 declaration in support of Uber’s opposition to plaintiff’s motion for preliminary injunction. I  
4 make this declaration based on personal knowledge and, if called as a witness, I would testify to  
5 the facts listed below.

6 2. I work on electronics design and am responsible for circuit board designs at Uber.  
7 I previously worked as an electrical engineer at OttoMotto LLC. Prior to joining Otto, I was an  
8 Operations Associate working on Chauffeur for Adecco, which was a Google staffing agency. I  
9 have worked on electronics design and hardware implementation for approximately seven years

10 3. I signed an offer letter when I joined 280 Systems, Inc., which became OttoMotto.  
11 The letter included provisions regarding third-party intellectual property (“IP”) and confidential  
12 information, instructing employees not to bring with them and use the IP and/or confidential  
13 information of any other companies. My offer letter provided that “Company does not want you  
14 to, and hereby directs that you must not, bring to Company, or otherwise use in connection with  
15 performing any services on behalf of the Company, any intellectual property rights or other  
16 proprietary or confidential material or information of any former employer or other third  
17 party. Accordingly by signing this Offer Letter you represent and warrant that you will not bring  
18 to Company, or otherwise use in connection with performing any services on behalf of the  
19 Company, any intellectual property rights or other proprietary or confidential material or  
20 information of any former employer or other party.” Attached as Exhibit A is a true and correct  
21 copy of my signed offer letter.

22 4. I regularly use Altium, which is software for designing circuit boards, and am  
23 familiar with the software package and the files it generates. I have used Altium for  
24 approximately six years.

25 5. I also regularly use LTspice, which is a software simulation tool for circuitry, and  
26 am familiar with the software package and the files it generates. I have used LT Spice for  
27 approximately seven years.  
28

1           6.       I also regularly use SolidWorks, which is software used for mechanical CAD  
2 (Computer Aided Design) and am familiar with the software package and the files it generates. I  
3 have used SolidWorks for approximately one year.

4           7.       I understand that certain Altium, LT Spice, and SolidWorks files from my Uber  
5 computer were produced in this action because they match certain file names that Waymo has  
6 provided for a search of Uber's files or they were MD5 hash matches for certain files Waymo  
7 identified. I have reviewed the list of files produced from my Uber computer. Below I explain  
8 these files and why the file name or hash matches do not establish that these files came from  
9 Waymo, which they did not.

10          8.       One category of files produced from my computer is Altium tutorial files.  
11 Examples of these files are: 512KBits\_I2C\_EEPROM.Harness, Fabrication.OutJob,  
12 Flash.Harness, and Top.SchDoc. These files came with the Altium software.

13          9.       Another category of files produced from my computer is ODB++ output files.  
14 These files are named attrlist, netlist, standard, matrix, feature and stephdr. These are standard  
15 default file names, so it is unsurprising that there would be a file name match between my Altium  
16 files and a Google user's Altium files.

17          10.      Attrlist is an attributes file that contains generic design information. There is an  
18 attrlist associated with each layer of a circuit board. The attributes described are generic and  
19 generally reveal only that a particular layer exists. They are akin to metadata. Parameters of  
20 these aspects of a printed circuit board, or "PCB," remain in the default setting for many projects.  
21 If someone at Google also uses a default setting, then the attrlist output would be the same and  
22 there would be identical content and a hash match.

23          11.      Netlist is a file that describes connectivity between different components of a PCB.  
24 I understand that there are no netlist files of mine that were hash matches for a Google file. This  
25 makes sense because netlist contains unique design information.

26          12.      Standard is the default font and a file named "standard" is generated as an output  
27 of the ODB++. If someone at Google uses the default font, there would be a file name match.

28          13.      Matrix is a file that has definitions of the physical order of the layers and the

1 relation of drill layers. I understand that there were only file name matches, and no hash matches,  
2 on my matrix files. File name matches are expected because matrix is a default file name.

3 14. Feature is a file that describes the PCB layer features. I understand that there were  
4 file name matches on my files for feature. File name matches are expected because feature is a  
5 default file name. I understand that there are no feature files of mine that were hash matches for a  
6 Google file. This makes sense because feature files contain unique design information.

7 15. Stephdr is a file that is generated as an output of the ODB++. I do not know what  
8 the file contains.

9 16. Another category of documents is harness files. They identify the signals that are  
10 assigned to the harness. Harnesses are basic and can be used for a wide variety of devices. They  
11 can define very common groupings of signals. It is unsurprising that there would be file name or  
12 even hash matches given the standard file name and the generic nature of the file.

13 17. Another category of files is PrjPcbStructure files. This is a standard filetype. The  
14 file describes the hierarchy of the schematic documents in a project. Simple projects with  
15 standard project file names may end up generating the same content; it's unsurprising that there  
16 would be a handful of identical files and hash matches.

17 18. Another category is SVN generated files, which have a .svn-base file extension.  
18 These files are copies of other files that have been renamed by the SVN application. These  
19 matches are explained above. As an example, a file called  
20 faf2356ddd659fa6a7832d67738db968810476f5.svn-base is a renamed copy of a Harness file  
21 called ATC-PCB-0021\_AD16488.Harness.

22 19. I understand that files on my computer containing .asc were file name matches.  
23 These files came with the LTspice software.

24 20. I understand that the following files on my computer were file name matches:  
25 pcb.sldprt, rotor.sldprt, and base.sldprt. These files are Solidworks example or sample files that  
26 are shipped with the software.

27 21. I also understand that files named Amp.SchDoc, Apd.SchDoc, Laser.SchDoc,  
28 Receiver.PcbDoc, Receiver.SchDocCAN.SchDoc, Ethernet.SchDoc, connector.PcbLib,

1 connector.SchLib, and connector.SchDoc were file name matches. These files use a standard  
2 naming convention that includes a functional description of the file. These are commonly used  
3 file names, and it is unsurprising that there are file name matches.

4 22. On a clean, previously unused Microsoft Windows virtual machine loaded with  
5 Altium, LTSpice, I prepared three dummy projects and generated outputs to demonstrate that files  
6 of the type found on my computer are routine Altium outputs. The first project is a very simple  
7 hierarchical PCB project containing a few simple electrical components and two harness  
8 declarations. The hierarchy is set up with top as the top level and other two schematics as sub-  
9 schematics. There is very limited connectivity described within the schematics. From this, a  
10 PCB document file was created, which displays a sample PCB layout. There is an output job file  
11 with the suffix out job. That file is used to generate the ODB++ outputs, which also reside within  
12 the project. This is simplest possible hierarchical schematic with harness declarations. The  
13 second and third projects are nonhierarchical versions of the same project. Instead of two harness  
14 declarations, I included one of each type. I provided the virtual machine containing the design  
15 applications, and these dummy files to Stroz Friedberg so that it could determine whether the  
16 outputs were hash or file name matches for the alleged Waymo trade secret files. The dummy  
17 files have been labeled UBER00005478 to UBER00005733.

18 23. None of the documents that were produced from my computers originated at  
19 Google or Waymo. To my knowledge, I did not bring any confidential or proprietary files from  
20 Google or Waymo to Otto or Uber. I have never used any Google or Waymo information during  
21 my employment at Uber and, before this lawsuit, I had never heard of the 14,000 files allegedly  
22 downloaded by Anthony Levandowski. I have never seen any evidence of any use of Google or  
23 Waymo information during my employment at Uber.

24 I declare under the penalty of perjury under the laws of the United States that the  
25 foregoing is true and correct. Executed this 6th day of April, 2017, in San Francisco, California.

26 

27 \_\_\_\_\_  
Asheem Linaval